

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDGAR H. MESSNER,	:	Civil Action No. 4:13-CV-00014
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
SWEPI, LP,	:	(Magistrate Judge Carlson)
	:	
Defendant.	:	

ORDER

August 14, 2013

BACKGROUND:

The undersigned has given full and independent consideration to the July 26, 2013 report and recommendation of Chief Magistrate Judge Martin C. Carlson. ECF No. 21.

Magistrate Judge Carlson's report and recommendation recommended that Defendant's motion to dismiss (ECF No. 4) be granted and this case be closed. Plaintiff filed objections to the report on August 9, 2013 which the Court also considers. ECF No. 22.

The Court agrees with the sound reasoning of the magistrate judge's analysis and sees no reason to re-consider or re-state it here. Additionally, Plaintiff's

objections do not refute the magistrate judge's clear finding that the plain language of the lease between the parties provided for rental payments to be made for wells, such as the one on Plaintiff's land, that have been drilled but are not producing.

Accordingly, the July 26, 2013 report and recommendation will be adopted in its entirety and this action will be dismissed with prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Martin C. Carlson's July 26, 2013 Report and Recommendation is ADOPTED in full. ECF No. 21.
2. The action is DISMISSED with prejudice.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge